

Federal Clerk

Please Send this Back I have
no Extra paper for copy

23-CV-325-TFM-C

In the Federal Southern District Courts

DC# 05-2023-003479.00

DC# TR19-403919

Virgil Mitchell
v's

Initial Complaint for Criminal Charges

State of Alabama

Now Comes Mitchell, On 5-6-23 I was arrested by fairhope police on false accusations of a terrorist threat to the PNC Bank in fairhope. On 5-8-23 I went to a bond hearing here in the Baldwin Co Jail which I did not request a preliminary hearing, so there was no court date issued on DC# 05-2023-003479.00 terrorist threat. But I was issued a Due process Date to file for preliminary hearing, it was 6-7-23. I filed 5-15-23 and a date that was removed on 6-15-23 was 5-25-23. On 5-25-23 was My original Court date for ~~DC# 05-2023-003479.00~~ DC# 05-2023-003479.00. On that day I was not present for court, when I asked Officer Mrs. Sanders Why wasn't I being transported to court she replied that My original Court date was changed to 6-8-23. On that day I pled not guilty to DC# 05-2023-003479.00 and the Court date was set for 6-15-23. Appendix 28 U.S.C sec 60 d(2) says a person or defendant shall be granted Relief from a Judgment or order if they have not been notified of any action's taken, I was never notified personally of any change in my original Court date of 5-25-23 at all, and my motions I filed to dismiss with prejudice were set aside a judgment for Fraud. Appendix 28 U.S.C sec 60 d(3) says I should be granted Relief from Judgment or order if a Judgment has been set aside, for Fraud in the Courts. In the bond hearing held 5-8-23 the only Court date that was issued was 6-12-23 for TR19-403919 D.W.S. On the day of 6-12-23 I went to court in the Jail Courtroom where I pled not

FILED AUG 24 2023 3 10 PM USDC SD ALA

not guilty, Because I told them in that hearing that day that this TR19-403919 DW-S traffic ticket, has been filed over in Case # CV1:21-00085-14d-MU Virgil Mitchell v's State of Alabama DHR. So in that hearing the state set the Court date over to 7-27-23 for trial. on 7-26-23 officer Aldrete came up to T-Block to escort me to the Jail Court room for a hearing on TR19-403919 when TR19-403919 was set for Trial on 7-27-23. On 8-1-23 I filed a Motion to dismiss with prejudice because Appendix 28 U.S.C sec 60 Relief from Judgment from order d(2) I was not notified of any change in Court date 7-27-23 Trial date. And the copy mailed here on 8-1-23 was set aside a Judgment for (Fraud) on the Courts. Besides Appendix 28 U.S.C sec 50 Conditional Ruling (B) Judgment as a matter of Law says to grant a motion for Judgment as a matter of Law against a party on a claim or a defense that under the controlling Law, Can be maintained or defeated only with a favorable finding on that issue. Also Appendix 28 U.S.C sec 50 Rule b (3) The Court must direct it's entry for Conditional Ruling as a matter of Law. Their was no Motion I filed that was Judged by these Rulings of (Black Letter Law) Why? Because DC#05 2023 003479.00 I was set up just to Hinder the function's of a Conservative 12" agency involving CV-121 00085-14d-MU I should be compensated for this, the total amount filed for in the 11th Cir Court of Appeals. But before I file civil action's in these new cases I would like to file a Writ of an arrest for Judge William Scully JR. for Abuse of power. Exactly why was my appeal Notice Denied? Please Amend these Actions.

8-18-23 Virgil Mitchell

Notice of Appeal form
Response

(Copy)

FILED AUG 23 '23 PM 12:38

Response to Documents denied
E-Filed 44, 42, 43, 41
Filed 8-15-23 Jail 1610516

→ Appeals

In the Circuit Court of Baldwin Co-

DC# 2023-003479.00

DC# TR19-403919

Virgil Mitchell

Response

Judge William Scully JR

v^s

Appendix 28 U.S.C. sec. 50 Conditional Ruling(B)

State of Alabama

Judgment as a matter of Law

Now Comes Mitchell, Response to Documents E-Filed Doc, 44, 42, 41, 43 AS provided by Appendix 28 U.S.C. sec 50 Judgment as a matter of Law for a Conditional Ruling(B) Says to grant a motion for Judgment as a matter of Law against the party on a claim or a defense that under the Controlling law, Can be maintained or defeated only with a favorable finding on that issue. These orders from Judge William Scully JR. has no Judgment as a matter of Law. Appendix 28 U.S.C. sec 50 b(3) (The Courts must direct the entry for the Conditional Ruling as a matter of Law.) I have no later than 28 days after the date of judgment 8-15-23 is issued to file for a Judgment as a matter of Law. Besides Notes from the office of Law Revision Counsel Appendix 28 U.S.C. 2107 Time for Appeal to the Courts of appeals Rule 81 Applicability of Rules in General. Words order was added in two places after Judgment so as to make section cover all appeals of which the court of Appeals have (Jurisdiction) as set forth in Section 1291 et. Seq. of this title. Judge William Scully JR. don't have the Jurisdiction to have denied anything in this Appeal Notice to the Circuit Court. It should have been Judged by a Circuit Judge. Why is it in the Jail 1610516 Signed by Judge Scully? Please Amend to Dismiss with Prejudice.

DONE this 18th DAY of August 2023

[Signature]
NOTARY

My Commission Expires
December 8, 2025

-18-23

Virgil Mitchell

Copy

Denied without
Appendix 28 U.S.C sec 50
Judgment as a matter of Law

Please send
Back

In the District Court of Baldwin Co

05 DC# 2023-003479.00

DC TR19-403919 DWS

Motion to dismiss
with prejudice

Virgil Mitchell
vs

State of Alabama

Appendix 28 U.S.C sec 60 → or order d2
Relief from Judgment

Now comes Mitchell, The court date I attended on 7-26-23 was not my original court date. My court date was set for 7-27-23 on 6-12-23 when I plead not guilty to DC# TR19-403919 DWS. On 6-12-23 The DC# TR19-403919 court date was set for 7-27-23 I was not present on that day, which I was not given a right to a fair trial and a violation in the 5th 6th and 14th amendments. On 5-8-23, I did not request preliminary hearing, in the order given from Judge Scully on 5-8-23 I was given a date that requesting the hearing would be (Due process) and that date was 6-7-23. I filed for preliminary hearing on 5-15-23 Hand written Motion to Scully. My original court date was set for 5-25-23 I was not present and I was not notified of any change in neither one of these court dates personally. Because of that I filed to dismiss the both of them with prejudice. because it violated my Civil Rights to a Fair Due process Clause. Because I was not present on 5-25-23 or 7-27-23 I am asking to dismiss with prejudice. Because of Appendix 28 U.S.C sec 60 USC 1655 d2, 3 The State of Alabama Errored when I was not personally notified of any change and when they set a side Judgment from motion filed 6-12-23 for Fraud Document 9 and 27 E Filed please Dismiss with Prejudice
8-1-23 ~~7-27-23~~ Virgil Mitchell

Virgil Mitchell

200 Hand AVE.

Bayminette AL.

36507

Legal

Mail

MOBILE AL 366

21 AUG 2023 PM 2 L

This Correspondence is forwarded
from the Baldwin Company Sheriff's Corrections Center
The contents have not been
evaluated, and the Baldwin Co.
Sheriff's Office is not responsible
for the substance or contents of the
enclosed communication.



155 St Joseph St

Mobile AL 36602

Federal Clerk (Mitchell)

36602-361455